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14023 U.S.PTO

PLANT PATENT APPLICATION TRANSMITTAL
(For new Non-provisional applications under 37 CFR 1.53(b))

22264 U.S.PTO
10/740741

121903

Attorney Docket No.: BAL6019P1480US

First Named Inventor: Scott C. Trees

Title: Nemesia Plant Named 'Balarcomwhit'

Express Mail Label No. EV348840634US

Mail Stop Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing is a new plant patent application of inventor(s): Scott C. Trees and entitled: Nemesia Plant Named 'Balarcomwhit'. For purposes of publication, this patent application is assigned to: Ball Horticultural Company

Application Elements:

1. Applicant claims small entity status. See 37 CFR 1.163(b).
2. Specification containing eight (8) pages (2 copies required (37 CFR §1.163(b) - in accordance with the preferred arrangement).
3. Drawings: one (1) Sheets of Color Drawing(s) (2 copies required - 37 CFR §1.165(b))
4. Oath or Declaration
 - a. An executed declaration or oath for the plant patent application including a power of attorney,
 - b. An unexecuted declaration or oath for the plant patent application including a power of attorney;
 - c. Copy from a prior application (37 CFR 1.63(d), for continuation/divisional with No. 15 completed.
 - i. Signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).
5. Application Data Sheet.
6. Assignment Papers (cover sheet, document(s) and requisite fee).
7. 37 CFR 3.73(b) Statement (where there is an assignee)
 Power of Attorney
8. English Translation document (if applicable)
9. Information Disclosure Statement (IDS), including PTO-1449

Copies of IDS Citations

10. Preliminary Amendment
11. Return Postcard for PTO Mail Room Date Stamp (should be specifically itemized).
12. Certified Copy of Priority Document(s) (if foreign priority is claimed).
13. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
14. Other _____

NOTE: Please state the Latin name and variety denomination of the plant claimed in a separate section of the specification.

15. If Continuing Application, check appropriate box and supply the requisite information below and in a preliminary amendment:
 Continuation Divisional Continuation-in-part (CIP) of prior application No. _____, filed _____.
Prior application information: Examiner: _____ Group/Art Unit: _____

For CONTINUATION or DIVISIONAL Applications only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4c, is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

Fee Calculation

16. A check in the amount \$530.00 for a Large Entity, or \$265.00 for a Small Entity, to cover the filing fee, is enclosed.
17. Please charge my Deposit Account No. 04-1644 in the amount of \$ _____.
18. The Commissioner is authorized to charge payment of the following amounts associated with this communication or credit any overpayment to Deposit Account No. 04-1644:
 - Additional filing fees under 37 CFR 1.16 or deficiencies in remittances therefor.
 - Additional processing fees under 37 CFR 1.17 or deficiencies in remittances therefor.
 - ONLY if applicant has partially paid** the patent issue fee under 37 C.F.R. §1.18, then the deficiency shall be charged to Deposit Account No. 04-1644, and the Commissioner is authorized to so charge the Deposit Account.

19. **Correspondence Address:** WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 West Madison Street, Suite 3800
Chicago, Illinois 60661-2511
Telephone: (312) 876-1800
Facsimile: (312) 876-2020

Customer Number (32116)

Date: December 19, 2003

Attorney's Signature



Lisa V. Mueller, Reg. No. 38,978

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this Plant Patent Application Transmittal, enclosed application, and any other documents referred to as enclosed herein, are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to Mail Stop Patent Applications, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Express Mail Label No.: EV348840634US

Date of Deposit: December 19, 2003

Typed/Printed Name of Person Signing: Barbara Towns

Signature:

